

AMUSEMENTS*

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ARTICLE I. RESERVED

Secs. 4-1—4-15. Reserved.

ARTICLE II. DANCES
AND DANCING

Sec. 4-16. "Public dance" construed.

A public dance within the meaning of this chapter is any dance or dancing of any kind held in a public hall, public room, public hotel, public restaurant, whether or not an admission fee to such dancing premises is charged or any charge for dancing is made. (Code 1961, § 8.6)

Sec. 4-17. Permit required; hours forbidden.

It is hereby declared unlawful for any person to give, manage, conduct, permit or carry on any public dance within the city, except upon obtaining a permit to do so from the city council, and no public dance shall be conducted, permitted or carried on between the hours of 2:00 a.m. and 8:00 p.m. of any day. (Code 1961, § 8.1)

Sec. 4-18. Application for permit.

Before any dance may be given, managed, conducted, permitted or carried on in this city, written application for a permit therefor shall be filed with the city manager. Such application must state the following:

- (a) The name of the applicant;
- (b) The date that any dance is to take place or the period during which a series of dances is intended to be conducted, permitted or carried on;
- (c) The place where such dancing will be permitted or engaged in;

- (d) The character or nature of dancing;
- (e) Admission fee or other charge, if any;
- (f) Whether the dance is open to the general public or invitational;
- (g) Any firm, partnership or corporation applying for such a permit shall state in the application the names of the members of the firm or partnership and the names of the officers of the corporation. (Code 1961, § 8.2)

Sec. 4-19. Granting or denying permit.

The city council shall have the power to grant or deny any dance permit application, in its discretion, in the interest of the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or if detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. (Code 1961, § 8.3)

Sec. 4-20. Permit fee.

Whenever a dance is given, conducted, permitted or carried on under the terms of this article, the applicant for a permit shall accompany the application with a fee of ten dollars (\$10.00). The applicant to whom a permit is granted shall pay the fee established by section 12-43, Category I. (Code 1961, § 8.4)

Sec. 4-21. Exemptions from fee requirements.

Regularly organized beneficial and fraternal organizations are exempted from the provisions of this chapter requiring the payment of a fee for a dance to be conducted or managed by such organization. (Code 1961, § 8.5)

*Cross reference—Race tracks or racing prohibited, § 14-2.

Sec. 4-22. Exclusion for dance schools and private groups.

Private classes for instruction in dancing and private dances conducted by regularly constituted groups engaged in dancing shall not be within the terms of this article. (Code 1961, § 8.7)

Sec. 4-23. Private police may be required.

At the discretion of the city council, any permittee may be required to furnish a private police officer to keep order in and about the premises where such dance or dancing is permitted. (Code 1961, § 8.9)

Sec. 4-24. Revocation of permit.

Any permit issued pursuant to this article is subject to revocation for cause upon a hearing before the city council after ten (10) days' written notice by mail or personal service to or upon the permittee or any person in charge of the premises where such dance or dancing is permitted or conducted. (Code 1961, § 8.10)

Secs. 4-25—4-35. Reserved.

ARTICLE III. MECHANICAL AMUSEMENT DEVICES*

Sec. 4-36. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Distributor: Any person who shall, as owner, agent, employee or otherwise, distribute, place, install or deliver a mechanical amusement device or devices to any premises in the city, or who shall keep or store within the city any such mechanical amusement device or devices for the purpose of distributing, placing, installing or delivering the same.

Mechanical amusement device: Any machine, device, contrivance or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the

*Cross reference—License tax on amusement machines, § 12-43, Category I.

deposit or placing of any coin, plate, disk, slug or key into any slot, receptacle, crevice or other opening, or by the payment of any fee or fees, for its use as a game or contest of any description, or which may be used for any such game or contest, and the use or possession of which is not prohibited by any laws of the state.

Operator: Any person who shall, as owner, lessee, employee, agent or otherwise, operate, install, keep, maintain, permit or allow to be operated, installed or maintained, any mechanical amusement device in or upon any premises owned, leased, managed, operated or controlled by such person within the city.

Pinball machine: Any mechanical amusement device commonly known as a pinball machine or marble machine, which is usually, though not exclusively described as consisting of a table on legs, the table being in the shape of a box with the upper side covered by glass. Inside the box is a surface studded with pins, plugs, buffers, springs and holes and when a ball is released by a plugger on this surface, the ball wends its way from top to bottom and during its journey may fall into one of the numerous holes, or in its course along the surface of such table, may hit many of the springs, pins, plugs, thereby and by means of electrical or other recordings, giving to the player a score or other result from the operation of such machine such as the right to play additional games. Except as otherwise specifically provided herein, the term "mechanical amusement device" shall apply to pinball machines. (Code 1961, § 16A.1)

Sec. 4-37. License required.

It shall be unlawful for any person, for himself or any other person, firm or corporation, to distribute, operate, install or to maintain or allow to be distributed, maintained, operated or installed any mechanical amusement device in any place in the city without having first obtained a license to distribute, install, operate or maintain such devices as hereinafter provided. (Code 1961, § 16A.2)

Cross reference—License fee for coin machines, § 12-43, Category I.

Sec. 4-38. Application required; contents.

Every person desiring a license as required herein shall make written application therefor to the city finance director, who shall refer such application to the chief of police for investigation and report. The application shall be verified and shall contain the following information:

- (a) Name, address and telephone number of applicant and all persons financially interested in the operation or distribution of the mechanical amusement devices. Applicant shall also list business name and address, if any;
- (b) Date and place of birth of applicant;
- (c) Whether the applicant desires a distributor's license or an operator's license for the establishment in which the machines are to be maintained and operated;
- (d) If an operator's license is desired, the place where the machine or machines are to be installed and operated, together with the number of machines to be installed and operated in the establishment; also a brief description of the principal product or type of product sold or service rendered at the premises upon which such machines are to be operated or maintained;
- (e) Whether the applicant is a citizen of the United States, and if naturalized, the date and place of naturalization and certificate number;
- (f) Whether applicant has ever been convicted of a crime; if so, date and charge;
- (g) A statement that the devices for which licenses are sought are not intended to be and will not be permitted to be used for any gambling purpose whatsoever;
- (h) The nature of applicant's interest in or title to the device or devices for which the license is sought;
- (i) Each applicant for an operator's license shall set forth a general description of each mechanical amusement device to be maintained on his premises and the number thereof. Where the me-

chanical amusement device to be maintained is a pinball machine, the application shall set forth the serial number thereof, the manufacturer's name and such other information as may be required to identify the pinball machine. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-80)

Sec. 4-39. Issuance, contents of license.

The city finance director shall issue a license in favor of the applicant which shall be serially numbered. The operator's license shall set forth the serial number or other information sufficient to identify the pinball machine, if any, to be maintained on his premises. The license shall also give the number of any mechanical amusement devices other than pinball machines to be maintained on the premises. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-80)

Sec. 4-40. Marking of machines.

Upon the issuance of the license, the operator shall affix to each pinball machine described in the license a decal or other suitable tag to be prepared and delivered to the operator by the city finance director. Such decal shall be serially numbered and indicate that the pinball machine has been licensed under the provisions of this Code. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-81)

Sec. 4-41. Substituting of machines.

If, during the term of the license, the operator shall substitute one machine for another already listed in the license, the operator shall pay a fee of twenty dollars (\$20.00) for each pinball machine substituted. No pinball machine shall be substituted for another pinball machine listed in the license until the operator has first:

- (a) Applied to the city finance director for an amended license describing the substituting device;
- (b) Paid the fee for the substitution hereinabove provided; and
- (c) Received from the city finance director an amended license describing the substituting device and a new decal for the substituting device.

No amended license for a pinball machine shall be issued unless the chief of police has investigated such device to determine if it conforms with the provisions of this article, and the chief of police has signified in writing his approval thereof to the city finance director. No other investigation shall be required. No amended license shall be issued unless the city finance director receives evidence of the destruction of the decal on the substituted device. The amended license shall expire on the same date the original license would have expired. The operator may substitute mechanical amusement devices other than pinball machines without obtaining an amended license. (Code 1961, § 16A.4; Ord. No. 677, § 1, 6-10-80)

Sec. 4-42. Operator's license to be posted; transferability.

Operators' licenses issued hereunder shall be posted in a conspicuous place in the establishment for which the same is issued and shall remain until a new or different license is issued therefor, and shall show the number of machines authorized to be maintained therein. No license shall be transferable from one person to another or from one establishment to another. (Code 1961, § 16A.5)

Sec. 4-43. License denial or revocation.

The chief of police shall revoke any license issued hereunder when in his opinion the licensee is violating or attempting to violate any of the provisions of this chapter, any law of the state, or any other ordinance of the city. (Code 1961, § 16A.6)

Sec. 4-44. Appeal from revocation.

(a) In the event that any person has his license revoked by the chief of police, an appeal may be taken to the city council within thirty (30) days after the date of such denial or revocation. If such an appeal is taken it shall be by written notice of appeal, filed with the city clerk and served upon the chief of police by the applicant or licensee. Such notice shall state the facts required to be stated in the applicant's original application. The city council shall set a day for hearing the appeal and shall designate the time and place where such hearing is to be held. A notice of such hearing shall be given the

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applicant or licensee by the city clerk by mailing the same to the last known address of such applicant or licensee not less than five (5) days prior to the date set for such hearing.

(b) At any such hearing the licensee shall be given the opportunity to be heard or defend himself, and he may call witnesses and present evidence in his behalf. The chief of police or his representative shall attend the hearing. Upon conclusion of such hearing the city council shall sustain or overrule, by majority vote, the decision of the chief of police. (Code 1961, § 16A.6)

Cross reference—Appeal from denial of licenses, § 12-10.

Sec. 4-45. Devices prohibited.

No license shall be issued to any applicant relating to any mechanical amusement device which:

- (a) For each coin, slug or token inserted, makes available to the player for actual play, only one ball or marble, or which permits or is adapted to the insertion of additional coins, slugs or tokens during the playing of or before the completion of the game for which the original coin, slug or token was inserted in the device; or
- (b) For each coin, slug or token inserted, or other consideration paid for playing such device, permits more than one game to be played, or permits the numbers, odds or other combinations thereof, to be changed from the odds, numbers or combinations thereof appearing on such machine after the deposit of the coin, or payment of consideration; or
- (c) Contains or is connected to any meter or other contrivance registering the number of games played on such device or registering the number of free games or additional chances to play such device won by the person or persons playing such device other than free games actually available to persons playing the device. (Code 1961, § 16A.7)

Sec. 4-46. Payoffs prohibited.

No award, payoff or delivery of anything of value, representing, or exchangeable or redeemable for, anything of value, shall be

made in any contest, tournament, league or individual play on any pinball machine; and it shall be unlawful for any licensee hereunder or any owner or operator of a pinball machine to cause, permit or allow the same. (Code 1961, § 16A.8)

Sec. 4-47. Proximity to playgrounds, schools.

It shall be unlawful for any person or owner or operator of a pinball machine to cause, permit or allow same to be located, operated or maintained within three hundred (300) feet of the nearest entrance to or exit from any public playground or public or private school of elementary or high school grades. (Code 1961, § 16A.8)

Sec. 4-48. Unlicensed, unmarked machines.

It shall be unlawful for any person, owner or operator of a mechanical amusement device to place, maintain or keep on his premises any device which is required to be licensed under the provisions of this article and which device: (1) is not described in the license, (2) does not have affixed thereto, the decal or tag required pursuant to this article, or (3) is in violation of any of the provisions of this article, including section 4-45. (Code 1961, § 16A.8)

Sec. 4-49. Illegal devices and operation.

Nothing in this article shall be construed to permit the licensing, maintenance, distribution or operation of any mechanical device or apparatus which is contrary to any of the laws of the state or the ordinances of the city, nor to permit the operation of any mechanical amusement device licensed hereunder in such a manner as to be contrary to any of

such laws or ordinances. (Code 1961, § 16A.10)

Sec. 4-50. Reserved.

Editor's note—Section 4-50, prohibiting operation of pinball machines by minors, derived from Code 1961, § 16A.9, was repealed by § 2 of Ord. No. 677, adopted June 10, 1980.

Sec. 4-51. Seizure, destruction of machines.

In addition to any other remedy provided by law, any pinball machine or other mechanical device kept, possessed, maintained or operated by a licensee, his employees or agent, in violation of the provisions of this Code may be seized by any peace officer, and a notice of intention summarily to destroy such machine or device must be posted in a conspicuous place upon the premises in or upon which such machine or device was seized. Such machine or device shall be held by such officer for a period of thirty (30) days after such posting, and if no action is commenced to recover possession of such machine or device within such time, the same shall be summarily destroyed by such officer, or if such machine or device shall be held by a court as evidence in an action for violation of this Code, the same shall be summarily destroyed by such officer immediately after the decision of the court has become final.

Any and all money seized in or in connection with such machine or device shall, immediately after such machine or device has been destroyed, be paid into the treasury of this city and deposited in the general fund. (Code 1961, § 16A.11)

Secs. 4-52—4-61. Reserved.

ARTICLE IV. CHARITABLE BINGO*

Sec. 4-62. Purpose and intent.

It is the purpose and intent of the city council in enacting this article to allow the conduct of bingo games by charitable organizations and senior citizen groups. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-63. "Charitable organization" defined.

For the purposes of this article "charitable organization" shall include only those organizations exempted from payment of the bank and corporation tax by section 23701d of the Revenue and Taxation Code of the State of California and a contribution or gift to which would qualify as a "charitable contribution" under section 170(c)(2) of the United States Internal Revenue Code of 1954. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-64. "Bingo game" defined.

As used in this article, "bingo game" means a game of chance in which a prize or prizes are awarded on the basis of alignment of numbers or symbols on a card which conforms to numbers or symbols selected at random. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-65. Permit required.

Only charitable organizations or senior citizens groups may obtain a permit to operate or conduct a bingo game. No bingo game may be conducted without first obtaining a permit from the police chief. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-66. Evidence of tax-exempt status to accompany license application.

Any charitable organization applying for a bingo license shall submit with its application therefor a certification from the franchise tax board of tax-exempt status under section 23701d of the Revenue and Taxation Code of the State of Cali-

*Editor's note—Ord. No. 598, § 1, adopted Feb. 28, 1977, specifically amended the Code by adding a new Ch. 27. In order to preserve the alphabetical sequence of chapter titles, and due to the presence of a new Ch. 27, said provisions have been redesignated Art. IV, §§ 4-62—4-73 as herein set out.

Cross reference—License tax exemption for charitable organizations, § 12-4.

fornia, and a certification from the United States Internal Revenue Service that a contribution or gift to the applicant would be a charitable contribution under section 170(c)(2) of the United States Internal Revenue Code of 1954, as amended. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-67. Permit fee.

No permit shall be issued without the payment in advance of a fee to defray the actual cost of issuing said permit. The amount of the permit fee shall be designated by resolution of the city council. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-68. Records required.

Every organization authorized to operate or conduct a bingo game for charitable purposes under this article shall keep separate and accurate books and records of all income and expenses related to the conduct of such games. Said books and records shall be open for inspection by the chief of police, or his designate, at all times during ordinary hours of business, and shall not in any manner be concealed from said authorities. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-69. Disposition of profits.

All profits derived from a bingo game shall be kept in a special fund or account, and shall not be commingled with any other fund or account. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-70. Location of game.

A licensed charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office of or performance of the purposes for which the organization is organized. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-71. Participation of minors; presence required.

Participation in all bingo games shall be open to the general public, and may not be limited to members of the licensed charitable organization or senior citizen's group. No minors shall be allowed to participate in any bingo game. No person shall be allowed to participate in a bingo game unless the person is physically present at

the time and place in which said game is being conducted. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-72. Value of prizes.

The total value of prizes, including cash, awarded during the conduct of any one bingo game shall not exceed two hundred fifty dollars (\$250.00). (Ord. No. 598, § 1, 2-28-77)

Sec. 4-73. Operation generally.

A bingo game shall be operated and staffed only by members of the nonprofit charitable organization or senior citizen group which organized it. Such members shall not receive a profit, wage, commission, salary or compensation of any kind in consideration for conducting or helping to conduct any bingo game. It is a misdemeanor for any person to receive a profit, wage, commission, salary or other compensation from any bingo game herein authorized, punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision or any other phase of such game. No individual, corporation, partnership or other legal entity, except the organization authorized to conduct a bingo game, shall hold a financial interest in the conduct of said game. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

ARTICLE V. ADULT ENTERTAINMENT FACILITIES

Sec. 4-74. Purpose.

In adopting this article, it is recognized that certain types of adult entertainment facilities possess certain objectionable operational characteristics which when concentrated can have a deleterious effect upon adjacent areas. It is also recognized that locating the adult entertainment facilities covered by this particle in the vicinity of facilities frequented by minors will cause the exposure of minors to adult material which, because of their immaturity, may adversely affect them. In addition, it is recognized that many persons are offended by the public display of certain sexual material. Special regulation of these uses is necessary to ensure

that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and to an adverse effect on minors. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-75. Definitions.

As used in this article, the following terms shall have the following meanings:

(a) Specified sexual activities means:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (5) Masochism, erotic or sexually oriented torture, beating or in the infliction of pain; or
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation; or
- (8) Any combination of the above items (1) through (7).

(b) Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Human buttock;

c. Human female breast below a point immediately above the top of the areola; and

(2) Human male genitals in discernibly turgid state, even if completely and opaquely covered.

(c) *Adult entertainment activity* means any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts, or by an emphasis on male or female genitals, buttocks or female breasts.

(d) *Adult newsrack* means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

(e) *Adult bookstore* means an establishment having as a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals, video tapes or tape cassettes which are substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

(f) *Adult motion picture theater* means a building or portion thereof, or area, whether open or enclosed, used for presenting material in the form of motion picture film, video tape or other means which is substantially devoted to the depiction of specified sexual activities or specified anatomical areas for observation by persons therein.

(g) *Adult hotel or motel* means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(h) *Adult motion picture arcade* means any place to which the public is permitted or invited wherein admission is charged and/or coin- or slug-operated or electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time; and where the images so displayed

are distinguished or characterized by an emphasis on depicting or describing specified sexual activities of specified anatomical areas.

(i) *Cabaret* means a nightclub, theater or other establishment which features live performances by topless and/or dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities of specified anatomical areas.

(j) *Massage establishment* means any establishment other than the office of any duly licensed practitioner of the healing arts regulated by division 2 of the California Business and Professions Code, and/or chapter 13, articles I through III of this Code, where, for any form or consideration or gratuity, massage, alcohol rub, administration of formentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs.

(k) *Sexual encounter centers* means any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-76. Location of adult entertainment facilities.

(1) No adult entertainment activity shall be located within, nor closer than three hundred (300) feet to, the boundary of any residential zone.

(2) No adult entertainment activity shall be closer than one thousand (1,000) feet, measured along the right-of-way of public streets, to any other adult entertainment facility.

(3) No adult entertainment activity shall be closer than one thousand (1,000) feet from any public school or church in the city. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-77. Applicability to zoning.

Each such facility must comply with all applicable regulations of the applicable zon-

ing district in which the use is located. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-78. Use permit required.

(a) Each such facility must, prior to commencement or continuation of business if an established use at the effective date of this article [May 8, 1980], first apply for and receive from the planning commission a conditional use permit, as provided in section 11 of the zoning ordinance. If such permit is granted, it shall be granted upon such conditions as are necessary to protect the public health, safety and welfare. Any party aggrieved by a decision of the planning commission on an application for such a use permit shall have the right to appeal such decision to the city council, provided that notice of such appeal is filed with the city clerk within ten (10) days following the decision from which the appeal is made.

(b) Materials offered for sale from news-racks shall not be displayed in any manner which exposes to public view photographs or illustrations of specified sexual activities or of naked adults in poses which emphasize or direct viewers to the subject's genitals.

(c) No adult entertainment facility shall display or exhibit any material in a manner which exposes to the public view photographs or illustrations of sexual activities or naked adults in poses which emphasize or direct the viewer's attention to the subject's genitals. As used herein, "exposed to public view" means exposes to the view of persons outside the building in which said adult entertainment facility is located. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-79. Nonconforming uses.

Any adult entertainment facility which is in existence and actively in business on the date that these regulations become effective [May 8, 1980] shall be deemed a nonconforming use. Such a nonconforming use shall be permitted to continue for a period not to exceed eighteen (18) months, unless sooner terminated for any reason whatever, or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming use

shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-80. Violation a nuisance.

Every violation of the regulations contained in this article shall constitute and is hereby declared to be a public nuisance, which may be abated pursuant to the provisions of section 731 of the Code of Civil Procedure of the State of California. The total cost of abatement shall be made a special assessment against the interest, if any, in the parcel of land upon which such nuisance is maintained, had or possessed by the person determined in such judicial proceeding to be responsible for the operation and maintenance of such nuisance. Upon a judicial determination in a civil action under state Civil Code section 3494 or Code of Civil Procedure section 731 that a public nuisance did exist, such cost of abatement shall, by special ordinance, be made a lien against such property and a personal obligation against the person responsible for the operation and maintenance of such nuisance and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment. This remedy is in addition to any other remedy provided by law. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-81. Penalty.

Notwithstanding any other provision of this article, any person who violates this article shall be guilty of a misdemeanor and may be punished as follows:

- (a) By imprisonment in the county jail not to exceed six (6) months; or
- (b) A fine not exceeding five hundred dollars (\$500.00). (Ord. No. 673, § 1, 4-8-80)